

**Introduced by Senator Harman**

February 17, 2011

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An act to amend Section 57405 of the Food and Agricultural Code, relating to dairy cattle supply liens.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 592, as introduced, Harman. Dairy cattle supply liens.

Existing law provides that a person who provides feed or materials to aid the raising or maintaining of dairy cattle has a lien upon the proceeds of the milk or milk products produced from the dairy cattle, for the reasonable or agreed charges for the feed or materials provided and for the costs of enforcing the lien. Existing law provides that the lien shall be perfected and shall be effective upon the filing of a notice of claim of lien with the Secretary of State, as specified. Existing law requires the notice of claim of lien, among other things, to state the name and address of the lien debtor. Existing law provides that the notice of claim of lien shall be signed by the lien claimant or by a person authorized to sign documents of a similar kind on behalf of the claimant, and also provides that the notice of claim of lien shall be filed on a specified form which requires the signature of the lien claimant.

This bill would provide that the lien would be perfected by the filing of a notice of claim of lien, as specified. The bill would require the notice of claim of lien to state the name and address of the lien debtor as last known to the lien claimant. The bill would delete the language providing that the notice of claim of lien shall be signed by the lien claimant or by a person authorized to sign documents of a similar kind on behalf of the claimant.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 57405 of the Food and Agricultural Code is amended to read:

57405. The lien created by this chapter shall be perfected ~~and shall be effective upon~~ by the filing of a notice of claim of lien with the Secretary of State pursuant to all the provisions of this section.

(a) The person who provides feed or materials may, at any time, file in the manner and at the place set forth in this section, the notice of claim of lien.

(b) The notice of claim of lien shall, at a minimum, set forth all of the following information:

(1) The name and address of the lien claimant.

(2) The name and address of the lien debtor, *as last known to the lien claimant*.

(3) The location of the dairy to which the feed and materials were provided.

(4) That the lien claimant has a dairy cattle supply lien pursuant to Section 57402.

~~(e) The notice of claim of lien shall be signed by the lien claimant or by a person authorized to sign documents of a similar kind on behalf of the claimant.~~

~~(d)~~

(c) The notice of claim of lien shall be filed on a form which is the standard form of original financing statement prescribed by the Secretary of State pursuant to Section 9521 of the Commercial Code. The standard form shall be completed with the following changes:

(1) The lien claimant may be identified either as lien claimant or as secured party.

(2) The form shall be signed by the lien claimant and need not be signed by the debtor.

(3) In the space for the description of the collateral there shall instead be entered the statement substantially as set forth in paragraphs (3) and (4) of subdivision (b).

~~(e)~~

(d) The notice of claim of lien shall be filed, indexed, and marked in the office of the Secretary of State in the same manner

1 as a financing statement is filed, indexed, and marked pursuant to  
2 Section 9519 of the Commercial Code.

3 ~~(f)~~

4 (e) The lien claimant shall provide written notice of the claim  
5 of lien to the lien debtor within 10 days of the date of the filing  
6 with the office of the Secretary of State.

7 ~~(g)~~

8 (f) For the purpose of the Secretary of State's index pursuant to  
9 Sections 9515, 9516, and 9522 of the Commercial Code and for  
10 the purpose of the issuance of a certificate pursuant to Section  
11 9519 or 9528 of the Commercial Code, the Secretary of State shall  
12 identify a notice pursuant to this section as a financing statement.